

**REMARKS**

The Office Action of April 7, 2004 has been received and its contents carefully noted.

Section 15 of the Office Action allows claim 14, and section 16 objects to several other claims. The present Amendment places objected-to claims 3, 18, and 28 in independent form, so it is respectfully submitted that claims 3, 4, and 18-44 are now ready for immediate allowance.

The present Amendment also cancels claim 6, and transfers its subject matter to independent claim 5. As a result, claim 5 now concludes with a "wherein" clause which recites that "the transmission power control information is generated in such a manner as to reduce a difference between a first difference between a required received quality and an actual received quality of the first data and a second difference between a required received quality and an actual received quality of the second data." The Amendment also revises independent claims 1 and 15 to include the subject matter of claim 6.

The Office Action rejects independent claims 1, 5, and 15 for anticipation by patent 5,751,739 to Seshadri et al (hereafter simply "Seshadri"). It also rejects several dependent claims, including claim 6 (now canceled), for anticipation by Seshadri. With regard to claim 6, the Office Action (in section 6) takes the position that Seshadri teaches generating control information to reduce the difference between a first difference and a second difference in accordance with claim 6. For the reasons discussed below, however, Applicant respectfully disagrees.

The subject matter that was previously recited in claim 6, and is currently recited in independent claims 1, 5, and 15, is illustrated in Figures 3A and 3B of the present application's drawings. This subject matter relates to a situation in which first data and second data having different quality requirements are multiplexed for transmission. The difference between a first difference relating to the first data and a second difference

relating to the second data (where the first and second differences are between the desired quality and actual received quality of the first and second data) is controlled so as to be reduced. As the present application explains, this permits a communication station to transmit different types of data with different quality requirements at an optimal power level, without excessive transmission power.

The Seshadri reference discloses a technique for introducing unequal error protection into spread spectrum communications systems (see Seshadri's abstract). Section 6 of the office action draws particular attention to Seshadri's columns 12 and 13. These columns describe separating a signal into more significant portions and less significant portions, and boosting the amplitude of the more significant portions with respect to the less significant portions in order to increase the transmission power for the more significant portions (see, in particular, the paragraph bridging columns 12 and 13). One way of doing this, Seshadri advises (in the paragraph at columns 13, lines 18-22), would be to interpose first and second variable power modulators between Seshadri's first and second channel coders 1002 and 1004 (see Seshadri's Figure 10) and Seshadri's multiplexer 1006.

Independent claims 1, 5, and 15 now refer to "a first difference between a required received quality and an actual received quality of the first data" and also "a second difference between a required received quality and an actual received quality of the second data." These claims provide that "the transmission control information is generated in such a manner as to reduce a difference" between these first and the second differences. It is respectfully submitted that this is neither disclosed nor suggested by Seshadri's technique of transmitting the more significant portions of a signal at a higher power level than the less significant portions of the signal. Accordingly, the rejection of claims 1, 5, and 15 should be withdrawn.

Since the remaining claims that have been rejected depend from the independent claims discussed above and recited additional limitations to further defined the invention, they are patentable along with their independent claims that need not be further discussed.

It is noted that this application has been amended to include three independent claims in excess of those already paid for. Accordingly, an additional claim fee of \$258 is

AMENDMENT

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being submitted concurrently. Should this remittance be accidentally missing or insufficient, however, any fees that may be needed may be charged to our Deposit Account number 18-0002.

For the foregoing reasons, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Allen Wood", is written over a horizontal line.

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